

SECRET

ER 62-3848/1

11 June 1962

MEMORANDUM FOR ACTION

TO: The Executive Director

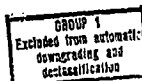
1. I do not agree to so much as states "and specifically object to certain items on security grounds," since this implies that we will select items in the manuscript that we will approve for publication and others that we will not approve.
 2. McCarger did not submit the manuscript for approval as required. He furnished it to Brandt & Brandt, literary agents, who in turn furnished it to DUTTON & CO., asking them to submit it for security clearance. It was not necessary for any CIA official to remind him of his security oath. He signed the oath and he is responsible for carrying it out.
 3. This seems to me to be a very serious case. If McCarger is not prosecuted, then our security system is ineffective. His oath means nothing if we can't take action against him.
 4. In my letter of 17 May 1962 to E. P. DUTTON & CO. I stated:

"It reveals intelligence sources and methods, in such number and of so serious a nature, that it is recommended E. P. Dutton & Co., not publish the book, in the best interests of the United States and in the interest of national security. For us to pinpoint them would add to the danger."
- The General Counsel memorandum indicates we are objecting only to certain items.
5. I would also recommend that so much of the General Counsel's cable as reads "...recognize we have no power to force this and that McCarger obviously is committed to publication. Aim, therefore is to reach accommodation on points of most concern" be deleted.

Assistant to the Director

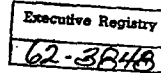
Attach.

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DECLASSIFIED AND RELEASED BY
CENTRAL INTELLIGENCE AGENCY
SOURCE METHOD EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2006

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Suggested Reply to Cable in from [] (IN 44502)

FROM INITIAL REVIEW GENERAL COUNSEL BELIEVES
PORTIONS OF McCARGAR BOOK PROBABLY IN TECHNICAL
VIOLATION ESPIONAGE ACTS. THOROUGH ANALYSIS TO DETERMINE
FEASIBILITY OF PROSECUTION WOULD TAKE MONTHS AND FINAL
DETERMINATION WOULD BE FOR DEPARTMENT OF JUSTICE.
PURPOSE OF APPROACH IS TO MAKE CLEAR THAT WE IN NO WAY
APPROVE OR CONDONE THE BOOK GENERALLY AND SPECIFICALLY
OBJECT TO CERTAIN ITEMS ON SECURITY GROUNDS, AND TO
COUNTER ANY CLAIMS THAT HIS CONVERSATIONS WITH AGENCY
PERSONNEL OR SUBMISSION OF DOCUMENT FOR CLEARANCE
INDICATE AGENCY APPROVAL OR CLEARANCE. WHILE
HEADQUARTERS WOULD LIKE TO SEE BOOK WITHDRAWN,
RECOGNIZE WE HAVE NO POWER TO FORCE THIS AND THAT
McCARGAR OBVIOUSLY COMMITTED TO PUBLICATION. AIM,
THEREFORE, IS TO REACH ACCOMMODATION ON POINTS OF
MOST CONCERN. EVEN THEN BELIEVE BOOK WILL HAVE
UNFORTUNATE EFFECT AND PROVIDE PROPAGANDA MATERIAL
FOR OPPOSITION. RE PARA 3 NO INDICATION OF REMINDER OF
SECURITY OATH HERETOFORE.

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Kirk,

Re CABLE TO [] ON MCCARGAR. I go along with this. It takes account of the points I raised on Staff behalf in our meeting of 11 May 1962. ✓

You may want to reconsider the last part of second sentence, paragraph 3. Jim does not believe that MCCARGAR is defection prone. Obviously it is always a possibility. Wouldn't the idea be conveyed sufficiently by closing the sentence after the word "action"? ✓

I think paragraph 4 represents a good balancing of our interests in view of the weaknesses and strengths of our position in this matter. CI Staff is prepared to indicate those portions of the book that are unacceptable from the operational security point of view. I will give you within the next week a summary brief on the book's contents. The dictation of this essay is in course at the present moment.

[]

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